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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

THE ARTICLE FOURTH NON-EXEMPT TRUST
CREATED UNDER THE LEO M. KLEIN TRUST
DATED JUNE 14, 1989 AS AMENDED AND
RESTATED, a Florida trust, THE LEO M. KLEIN
REVOCABLE TRUST DATED JUNE 14, 1989
AS AMENDED AND RESTATED, a Florida trust,
GLORIA C. KLEIN REVOCABLE TRUST

Adv. Pro. No. 10-04513 (SMB)

DATED APRIL 16, 1990, AS AMENDED, a Florida trust, ESTATE OF LEO M. KLEIN, ESTATE OF GLORIA C. KLEIN, GLORIA C. KLEIN TRUST F/B/O JANE KLEIN, a Florida trust, JANE A. KLEIN, as trustee, personal representative, and as an individual, GLORIA C. KLEIN TRUST F/B/O DEBORAH KLEIN PATTON, a Florida trust, DEBORAH KLEIN PATTON, as trustee and as an individual, and JUSTIN ANDREW KLEIN,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants THE ARTICLE FOURTH NON-EXEMPT TRUST CREATED UNDER THE LEO M. KLEIN TRUST DATED JUNE 14, 1989 AS AMENDED AND RESTATED, a Florida trust, THE LEO M. KLEIN REVOCABLE TRUST DATED JUNE 14, 1989 AS AMENDED AND RESTATED, a Florida trust, GLORIA C. KLEIN REVOCABLE TRUST DATED APRIL 16, 1990, AS AMENDED, a Florida trust, ESTATE OF LEO M. KLEIN, ESTATE OF GLORIA C. KLEIN, GLORIA C. KLEIN TRUST F/B/O JANE KLEIN, a Florida trust, JANE A. KLEIN, as trustee, personal representative, and as an individual, GLORIA C. KLEIN TRUST F/B/O DEBORAH KLEIN PATTON, a Florida trust, DEBORAH KLEIN PATTON, as trustee and as an individual, and JUSTIN ANDREW KLEIN (“Defendants”), by and through their counsel, Jaspan Schlesinger LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On November 30, 2010, the Trustee filed the Complaint against Defendants. Trustee filed an Amended Complaint on December 16, 2011.

2. On January 17, 2014, Defendants filed an answer to the Amended Complaint.

3. As of January 10, 2017, the Parties entered into a Settlement Agreement and Release (the "Settlement Agreement") pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].

4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissing the adversary proceeding without prejudice, subject to the right of the Trustee to move *ex parte* to re-open this adversary proceeding in the event of an uncured default in the installment payments to seek entry of judgment pursuant to the Stipulation for Entry of Judgment, as set forth in the Settlement Agreement. Upon the Trustee's receipt of the full Settlement Payment as set forth in the Settlement Agreement, and provided there is no default under the Settlement Agreement, this dismissal shall be deemed with prejudice.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: May 4, 2017

Of Counsel:

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Attorneys for Defendants

SO ORDERED

Dated: May 8, 2017
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE